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28 JUL 1955

OGC HAS REVIEWED.

TO: Director of Central Intelligence

SUBJECT: Execution of an Agreement by Personnel Assigned Overseas Which
Would Restrict Foreign Residence

1. PROBLEM:

To determine the feasibility of requiring personnel assigned to overseas posts of duty with CIA to sign a restrictive agreement which would prevent them from returning to the country of assignment for residence within a minimum of two years following separation from CIA (for any reason).

2. ASSUMPTION:

It is not possible to draft an agreement which will always preclude such residence since a restrictive agreement would not be legally enforceable (See attachment: Memorandum from the Office of the General Counsel, dated 21 March 1955).

3. FACTS BEARING ON THE CASE:

- a. The presence of former Agency personnel in the areas in which they served with the Clandestine Services can present a security or operational problem.
- b. In several cases, former employees have returned to their countries of assignment and have caused security and operational difficulties.

4. DISCUSSION:

- a. Since the presence of former employees in countries where they served with the Clandestine Services can jeopardize operations and security, an agreement to refrain from residing in such countries upon the request of CIA, signed and complied with by an employee, would therefore be of benefit to the Agency. Such agreements are believed likely to be observed by nearly all employees who are asked to sign them. The agreement, therefore, should serve to restrict residence in countries of former assignment.
- b. However, such an agreement in which an employee is required to promise in advance to refrain from such residence could have an adverse effect on morale.

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- c. In order to limit the adverse morale effect, the agreement could bind an employee for a designated period only and only with respect to countries of recent assignment. Further, the agreement could require the individual to notify the Agency, in writing, in the event he intends to return to a country of recent assignment prior to the expiration of the designated period following termination. The agreement could also recognize in some cases that the Agency might not feel it necessary to request the former employee to refrain from returning to a given country but would request such an employee to refrain only from making certain contacts or engaging in certain activities. Also, the agreement could indicate the Agency's intention to request the employee to refrain from such residence only when necessary and in the interest of the United States.

5. CONCLUSIONS:

- a. The agreement should apply only to those employees who are serving or who have served overseas with the Clandestine Services or in support of the Clandestine Services (including Office of Communications personnel).
- b. Although a restrictive agreement is considered unenforceable in the legal sense, it would have merit in providing the Agency an opportunity to discuss the problems resulting from such residence with the individual and would furnish the Agency an instrument of persuasion against such residence.

6. RECOMMENDATIONS:

- a. It is recommended that consideration be given to having the attached proposed Foreign Residence Agreement executed by all employees assigned to an overseas post of duty within the Clandestine Services, or in support of the Clandestine Services, prior to departure for such assignment, and by all employees serving overseas (who have not previously done so) immediately upon return to headquarters.
- b. It is further recommended that individual notifications of intention to reside in a country of recent assignment be referred to the Office of the Deputy Director (Plans) for an appropriate determination, to be made in conjunction with the Office of Security, and other Offices as deemed necessary.

Harrison G. Reynolds
Director of Personnel

ANNEXES:

1. Foreign Residence Agreement
2. Memo from OGC to D/Per, Restriction of Residence of Former Employees, dated 21 March 1953

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Would Restrict Foreign Residence

CONCURRENCES:

25X1A

(S) [REDACTED]

Office of the General Counsel

Date 27 July 1955

25X1A

[REDACTED]

Deputy Director (Support)

Date 1 Aug 55

APPROVED:

Signed C. P. CABELL

Acting Director of Central Intelligence

Date 23 AUG 1955

CONCURRENCES:

25X1A

[REDACTED]

Date 12 August 1955

Distribution: (S)

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1 - DD/P

1 - OS

1 - DD/Pers/PD

3 - PS

25X1A

[REDACTED]

Date 15 August 1955

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